

#### KANSAS CITY, MO. POLICE DEPARTMENT

PROCEDURAL INSTRUCTION

10/15/01

10/27/01

AMENDS

01-10

NO.

Computerized Police Information Systems

RESC

PI- Arrest Procedures and Report Control; ALERT, MULES, & NCIC System Manuals, RSMo Chapter 610

Procedural Instruction 95-2

### I. PURPOSE

To establish department policies and procedures with respect to collection, ethical use, and any subsequent release or exchange of information available through the Automated Law Enforcement Response Team (ALERT) Computerized Information System.

### II. POLICY

- A. Department of Justice directive, Criminal Justice Information, Title 28, and the Code of Federal Regulations, Part 20, are recognized as the governing directives for the ALERT System.
- B. When it becomes apparent that computer technology can be utilized to increase the efficiency and/or effectiveness of police operations, such technology will be applied, provided that resources can be made available.
- C. Those computerized information systems that contribute directly to line operations will be scheduled for programming and implementation on a priority basis over administrative programs. Computerized information systems which respond to the informational needs of line operations will be designed to respond within two seconds, ninety-five percent of the time, on a twenty-four hour basis, seven days a week.
- D. Direct access to computerized criminal justice information will be restricted to criminal justice agencies on the ALERT System. Requests for on-line access to other types of information (e.g., DOR) in the computer system will be reviewed on an individual basis.
  - 1. Data stored within the system will be limited to that information which is based on or contained in source documents maintained on file in the agency or element responsible for the action contained in such document.
  - 2. On-line files will be periodically validated against source documents.
  - 3. Under no circumstances will unauthorized persons be given a copy of a computer printout that contains criminal history record information, nor will members verbally release this information to such persons. Those individuals who utilize computerized information must understand that careless or unethical use of such data represents nonprofessional conduct that may result in disciplinary action and/or legal sanctions.

- 4. When computer printouts, investigation reports, etc., are no longer needed, they will be shredded to prevent disclosure of the information contained therein to unauthorized persons.
- 5. The computerized information system will be designed to exclude inquiries inconsistent with system rules.
- 6. The ALERT System will log activity occurring on the tele-communications network, so that any or all transactions taking place can be examined at any time from the log file, which will be maintained for three years. A special printout of national criminal history inquiries through National Crime Information Center (NCIC) will be maintained for thirteen months.

## E. ALERT System Inquiries

- 1. All personnel regularly assigned to positions requiring computer terminal operations and requiring access to the ALERT System will familiarize themselves with the ALERT, NCIC, Missouri Uniform Law Enforcement System (MULES) and terminal equipment manuals, and will become proficient in terminal operation.
- All inquiries to the ALERT System will require the terminal operator to use a numeric identifier for identification of the requesting member. This applies to all systems (e.g., inquiries, record checks, registration checks, etc). This excludes members who utilize special programs on the mainframe (such as INTELLECT) and are required to enter a password.
  - a. Dispatchers will use the requesting officer's radio number for requests via radio.
  - b. All other members must use their complete serial number.
  - c. Supervisors are responsible for ensuring members adhere to this policy and utilize the appropriate numeric identifier.
  - 3. Station personnel will be responsible for ensuring that all persons arrested and booked have been computer checked prior to release.
- F. The Kansas City, Missouri Police Department is responsible to NCIC and MULES for security and discipline of computer operations in order to maintain the integrity of both systems. Any violation of such security (as it relates to the ALERT network) will be investigated and disposed of in the appropriate manner.

- 1. Information exchanged over the NCIC network involves official FBI and other criminal justice agency information and will be considered privileged.
- 2. Such information will be processed and safeguarded in such a manner that only personnel involved with official criminal justice business will have access to it.

### III. PROCEDURE

This procedural instruction has been arranged in annexes to address the various areas of concern, which are pertinent to the use of the ALERT System. The provided procedures are not all inclusive. The user may find it beneficial or necessary to reference other relevant procedural instructions or the ALERT, MULES, or NCIC System Manuals. Members may also use the computer inquiries, "HELP", "/FOR ALERTINQ", or "/FOR MULE" to access formatted screens for use within the ALERT System.

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		Richard D. Easley Chief of Police	
Adopted by the Board of Police Commissioners this _		day of	, 2001.
		Dennis C. Eckold President	

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### DEFINITIONS OF TERMINOLOGY AND CLASSIFICATIONS OF INFORMATION

- I. Definitions of Terminology
  - \* In order to understand the fundamental processes of the ALERT System, all members, regardless of assignment, should become familiar with certain terms unique to the system. In some cases, these involve responses which may be received when making a computer inquiry.
    - A. **ALERT II** (Automated Law Enforcement Response Team) The computer information system of the Kansas City, Missouri Police Department which serves participating criminal justice agencies in the regional Kansas City area.
    - B. Alias Either the first, last, or both names of a subject, which are not his/her true names. An example would be John Doe, alias: John Roe, Robert Doe, or Robert Roe. The addition, deletion, or changing of a middle initial does not constitute an alias.
    - C. **Armed** A subject, who has been known to be in physical possession of a dangerous weapon, and has been arrested in connection with a violent criminal act where a dangerous weapon was used.
    - D. **Arrest** The custodial apprehension of a person upon probable cause to believe the suspect has committed a felony, misdemeanor, or ordinance violation.
      - 1. Charged The initiation of formal (written) adversary judicial proceedings against a person accused of a law violation, i.e., complaint, information, or indictment.
      - 2. Released Not held in custody.
    - E. **ASTRA** (Automated Statewide Telecommunications and Records Access)- A computer system located in Topeka, Kansas under the responsibility of the Kansas Bureau of Investigation. It is a statewide telecommunications information system with the capability to send and receive out-of-state messages to law enforcement agencies anywhere in the continental United States.

- \*F. **Cancel** (NCIC, MULES) Remove from files immediately; information was either entered erroneously or is no longer accurate.
- \*G. **Caution Indicators** Indicators located within the MULES system which alert law enforcement officers to potentially dangerous individuals. These caution indicators are as follows:
  - **Caution-1**-Known to have a criminal arrest record verified by fingerprints.
  - **Caution-2**-Known to have been armed or physically violent.
  - **Caution-3**-Known to have assaulted or obstructed a peace officer.
- \*H. **Civil Index** An index by name or case report number, created from persons who have made (or caused to be made) an official report to the police. This is an administrative report, which accounts for case report numbers, and is not to be dispersed to operational police units.
  - I. Clear (NCIC, MULES) Remove from files; person/property/vehicle has been apprehended or recovered and no longer requires a stolen/wanted status.
- J. Criminal Justice Agency Any agency having primary responsibility for the administration of criminal justice and which allocates in excess of 51 percent of its budget for this purpose in one or more of the following categories:
  - 1. Arrest and/or prosecution.
  - 2. Adjudication.
  - 3. Administration of probation and/or parole.
  - 4. Detention of subjects in the criminal justice process.
- K. **Dangerous** A person who has exhibited a harmful or violent physical action toward other people, including law enforcement officers.
- \*L. **DOR** (Department of Revenue) A computer information system in Jefferson City, Missouri, which maintains the Missouri driver and motor vehicle files.

- \*M. **Hit** Any response to a computer inquiry other than "Not on File" or its variations.
  - 1. <u>Negative</u> A hit which is determined to be on some person or object other than the one on which an inquiry was made.
  - 2. <u>Positive</u> A hit which is determined to be on the person or object on which an inquiry was made, indicating the person may be wanted or the property stolen/lost.
- \*N. **III** (Interstate Identification Index or Triple I) A file maintained by NCIC which provides an index of all fingerprinted offenders filed with the FBI and the states holding the detailed rap sheets.
- \*O. **KDOR** (Kansas Department of Revenue) A computer information system in Topeka, Kansas, which maintains the Kansas driver and motor vehicle files.
- \*P. **LABOPS** (Laboratory Operations) A computer based evidence and report tracking system employed by the Kansas City Police Department Crime Laboratory to document evidence submissions, examination reports, chain of custody and other Laboratory casework data.
- Q. **Law Enforcement Agency** A criminal justice agency dealing with arrest and/or prosecution.
- R. **Locate Message** Indicates a temporary change in record status in the NCIC and/or MULES files. The message is sent by the agency locating a person or property previously entered by another agency.
- S. **Moniker** A nickname or street name by which a subject is known to his associates, such as "Lefty," "Big Brother," etc.
- \*T. **MULES** (Missouri Uniform Law Enforcement System) The mainframe computer owned by the State of Missouri and operated by the Missouri State Highway Patrol. This computer is the control system for the State of Missouri and includes facilities for the storage and retrieval of criminal justice files and the processing and transmission of messages between agencies and other computer systems, such as NCIC, and National Law Enforcement Telecommunications System (NLETS), and INTERPOL (International Police Organization).

- \*U. **NCIC** (National Crime Information Center) The mainframe computer owned and operated by the Federal Bureau of Investigation. This computer is used for the storage and retrieval of Hot Files, criminal history record information and other criminal justice related files.
- \*V. **NLETS** (National Law Enforcement Telecommunications System) A computerized switching system in Phoenix, Arizona which serves as the link between state control systems for the purposes of interstate message relay and data inquiries.
- W. **No Record KCMOPD Computer Center** A response that indicates there is no criminal/civil record in the ALERT System on the object/person on which an inquiry has been made.
- X. **Obstructing and Resisting an Officer** A designation given to a person, who has combatively obstructed or resisted arrest.
- \*Y. Offender Management Information System A Missouri Department of Corrections (DOC) database indicating the status of persons presently incarcerated in Missouri penal institutions, assigned to work release programs, or on probation or parole. Computer inquires will indicate "DOC" in the entry.
- \*Z. **Pick Up** A pick up will be issued by an investigative element on a person when there is probable cause to arrest for a state felony or misdemeanor offense, or issued on a vehicle that has been used during the commission of a crime. A pick up is maintained in the NCIC and MULES systems for a period of 48 hours, and in the local ALERT files until the investigative unit or agency responsible for he pick up entry notifies the Computer Services Unit of cancellation. **NOTE:** NCIC only maintains stolen auto pickup information.
- \*AA. Questioning Advisory-Do Not Arrest A questioning advisory will be issued on a person by an investigative element when there is **no** probable cause for an arrest or involuntary detention. A questioning advisory is maintained in the ALERT system and will be automatically purged after ninety days.
- \*BB. "Red File" Target Persons A designation given to persons who are identified as most actively involved in criminal activity or responsible for causing disorder within the Central, Metro, East, and South Patrol Divisions (Jackson County). These persons are identified, tracked and appropriately prosecuted in cooperation with the Jackson County Prosecutor's Office.

- CC. **REJIS** (Regional Justice Information Service) The computer information system of St. Louis City/County, which serves agencies in the metropolitan St. Louis area, and is interfaced with the ALERT system for message relay.
- \*DD. **Temporary Want** A temporary 48-hour want entry is entered into the computer when a law enforcement agency needs to take prompt action to apprehend a person who has committed, or is believed to have committed, a felony (includes misdemeanors in MULES).

**NOTE:** The Kansas City, Missouri Police Department does not use this record entry classification, but members could receive a systems inquiry "hit" resulting from a record entry by other system user agencies.

- EE. **Warrant, Local** A warrant entered in the ALERT System that is not extraditable beyond local limits.
- FF. Warrant, State A warrant in the ALERT System for a felony offense, or a misdemeanor offense of sufficient severity, that is extraditable beyond local limits. The warrant will also be entered in the MULES and NCIC computer, and may be served by an authorized agency that falls in the perimeter of the extradition field.

### II. Classifications of Information

A. Kansas City, Missouri Police Department Classifications

The following classifications of information are maintained in the Kansas City, Missouri Police Department computer:

- 1. Felony and misdemeanor warrants.
- 2. Traffic and parking warrants.
- 3. Outstanding police pick ups (persons, vehicles, licenses).
- 4. "Questioning Advisory-Do Not Arrest".
- 5. Stolen vehicle and stolen or lost licenses.
- 6. Law enforcement and civilian employees.
- 7. FBI numbers, state identification numbers, and fingerprint classifications on those persons arrested subsequent to January 1, 1968.
- 8. Persons on federal and state probation and parole status from various agencies in the regional area.

- 9. Persons flagged as being "10-31" (armed/potentially dangerous subjects).
- Alias and moniker names in connection with actual names on file.
- 11. Private police commissions.
- 12. Vehicles towed by the police.
- 13. Traffic, city ordinance, misdemeanor, and felony arrest information.
- 14. Offense information (Civil Index File), indexed by name of victim, and case report number.
- 15. Police dispatch information.
- 16. Vehicular accident statistics.
- 17. Municipal Correctional Institution inmates.
- 18. Business listings for emergency notification.
- 19. Municipal Court docket information.
- 20. Crime Laboratory workload.
- 21. Field Interview (10-32) subjects.
- 22. Payroll, personnel, and timekeeping records.
- 23. Fleet vehicles.
- 24. Operation identification.
- 25. Western Missouri Mental Health furlough violators.
- 26. Alarm permit information.
- 27. Recovered property information.
- 28. Employee accident records.
- 29. Position control records.
- 30. Purchasing/accounting files.
- 31. Pawnbroker records of guns and other items.
- 32. Persons flagged as having, "Prior Alcohol Offense Contacts".

- 33. Updated information about department forms by accessing /For Forms.
- \*34. Ride-along persons.
- \*35. "Red File" Target persons.
- B. NCIC National Crime Information Center Classifications

The following classifications of information are maintained in the NCIC computer:

- 1. All nationally reported felony warrants.
- 2. All nationally reported temporary felony wants for a 48-hour period.
- 3. All nationally reported missing persons.
- 4. All nationally reported stolen vehicles, vehicle parts, and vehicle licenses (including trucks, motorcycles, trailers, and mobile homes). This also includes vehicle identification numbers, certificates of origin, and certificates of title.
- 5. All nationally reported stolen guns, and guns recovered in connection with an unsolved crime, or for which no stolen report has been filed.
- 6. All nationally reported stolen serialized property (including bicycles).
- 7. All nationally reported stolen boats.
- 8. All nationally reported stolen aircraft.
- 9. All nationally reported stolen serialized securities and monies.
  - a. Stocks.
  - b. Bonds.
  - c. Currency (including Travelers Checks).
  - d. Counterfeit securities.
- A computerized national criminal history file complete with identification, arrest, adjudication, and custody-supervision segments.
- \*11. Unidentified persons file.
- \*12. Foreign Fugitive file.

### C. DOR-Department of Revenue Classifications

The following classifications of information are maintained in the Missouri and/or Kansas Department of Revenue (DOR-KDOR) computers:

- 1. Motor vehicle registration.
  - a. By owner name.
  - b. By partial name.
  - c. By full or partial license number.
  - d. By full or partial vehicle identification number (VIN).
  - e. By title number.
- 2. Motor vehicle registration (motor boat).
  - a. By owner name.
  - b. By motor registration number.
  - c. By boat/motor vehicle identification number (VIN).
  - d. By title number.
- 3. Operator/chauffeur license registration.
  - a. By name, date of birth, and sex.
  - b. By partial name.
  - c. By full or partial operator/chauffeur license number.
- 4. Driver history information.
- 5. Suspension/revocation records.
- D. MULES Missouri Uniform Law Enforcement System Classifications

The following classifications of information are maintained in the MULES computer:

- 1. All statewide reported felony and misdemeanor warrants.
- 2. All statewide reported temporary felony and misdemeanor wants for a 48-hour period.
- 3. All statewide missing persons.

- 4. All statewide reported stolen vehicles, vehicle parts, and vehicle licenses (including trucks, motorcycles, trailers, and mobile homes).
- 5. All nationally reported stolen vehicles registered to Missouri residents.
- 6. All statewide reported stolen boats.
- 7. All statewide reported stolen aircraft.
- \*8. All statewide impounded, repossessed, and privately towed vehicles.
- E. NLETS National Law Enforcement Telecommunications System Classifications

The following classifications of information can be obtained via NLETS:

- 1. Administrative messages to other law enforcement agencies not on the ALERT or MULES Systems.
- \* 2. Hazardous Material File.
  - 3. Canadian vehicle registration, operator license, stolen vehicle, and wanted person records.
  - 4. Administrative messages to agencies that are not law enforcement:
    - a. National Center for Missing and Exploited Children (NCMEC).
    - b. National Insurance Crime Bureau (NICB).
    - c. Federal Aviation Administration (FAA).
  - 5. Administrative messages to law enforcement agencies in other countries. The Missouri State Highway Patrol is the contact point for messages directed through the International Police Organization (INTERPOL) involving international inquiries.

# COMPUTER SERVICES UNIT SERVICE REQUEST(S)

All Computer Services Unit service requests will be submitted to the Administration Bureau Commander in written form through the chain of command. The memorandum will contain the following information:

- \*I. A description of the information requested (i.e., change the security level on a computer, change a computer program or format, etc.). Members should specify individual data items to be listed, sequence of information, whether counts of totals are needed, frequency, geographic boundaries, time span, age groups, reporting areas, etc. If a specific report format is desired, an example should be included.
- II. The reason or justification for the request.
- III. The number of copies desired and the copy distribution for those elements that will receive the information.

### MAINTENANCE AND UPDATE - COMPUTERIZED INFORMATION

- I. Computerized Information Sources
  - A. The Kansas City Municipal Court Division is responsible for the entry of Uniform Traffic Tickets.
  - \*B. The Data Entry Section is responsible for the maintenance and/or updating of source document files regarding information on arrests (except traffic), unregistered felons, "10-31" subjects, Red File Target subjects, and Ride-alongs.
  - \*C. The Records Unit is responsible for the maintenance and/or updating of source document files on penitentiary releases and "10-32" (FIF) subjects.
    - Exception: The Gang Squad is responsible for the entry of information regarding 10-32 subjects classified as J-11/Gang Affiliate. They will maintain source documents and enter the J-11 data into the ALERT System.
  - \*D. The Computer Programming Section is responsible for the maintenance and/or updating of source document files on parolees.
- II. Validation of Information in the ALERT System
  - A. It is essential that the following information pertaining to warrants and wants, at a minimum, be printed out and validated by the agency which has the primary responsibility for the source documents according to the following schedule:
    - 1. Questioning advisories Quarterly
    - 2. Juvenile warrants Semi-annually (May and October)
    - 3. Vehicle and license plates Monthly
    - 4. "10-31" subjects Annually (April)
    - 5. Missing persons Monthly
    - 6. Felony and misdemeanor warrants Monthly
  - B. Validation edit printouts will be made periodically. Validation printouts may be requested on items other than those listed as is needed and/or required by the various staff agencies.

ANNEX D

#### SHREDDED MATERIAL

## I. Purpose

To establish policy and procedure for the shredding of confidential material, including copies of printouts distributed to community organizations.

### II. Procedure

- A. Commanders will designate a specific area where the shredder will be placed. When applicable, a container marked "Material To Be Shredded" will be placed next to the shredder where members may place discarded printouts, reports, etc.
- B. The division/unit commander will designate those members responsible for the shredding of materials.
- \*C. Members assigned to Headquarters will place material to be shredded into the designated barrels.
  - 1. The Building Operations Unit is responsible for the maintenance of the barrels.
  - 2. Any unit desiring a barrel will contact Building Operations.
- D. Locations of facilities equipped with shredders:
  - 1. Central Patrol Division
  - 2. Metro Patrol Division
  - 3. East Patrol Division
  - 4. North Patrol Division
  - 5. South Patrol Division
  - 6. Special Operations Division
  - 7. Financial Investigations Section
  - 8. Training Division

- 9. Investigation Support Division, Juvenile Section
- \*10. Criminalistics Unit
- \*E. All other locations will transport material for shredding to the nearest shredder location or contact Building Operations Unit for pick-up of large quantities.

### CRIMINAL HISTORY RECORD INFORMATION

### I. INTRODUCTION

Criminal history record information is information collected by criminal justice agencies on persons, i.e., identifiable descriptions, photographs, notations of arrests, detentions, indictments, intelligence information, other formal criminal charges, and final dispositions to include: sentencing, correctional supervision, and release.

To ensure the security and integrity of criminal history record information, department members will conform with state and federal laws and regulations regarding the release of criminal history record information. Members are cautioned that unauthorized release of criminal history record information is a violation of state and federal law and may result in criminal penalties and/or departmental disciplinary action.

#### II. POLICY

- \*A. Criminal history records of the Kansas City, Missouri Police Department will be categorized as arrest reports, incident reports and investigative reports. This information will be collected, stored, and released in strict conformance with state statute and federal regulations (Revised Missouri State Statutes, Chapter 610; Code of Federal Regulations, Title 28, Chapter 1, Part 20).
- \*B. Criminal history record information may be released from the department only via the Records Unit, Identification Section, or division stations. Copies of record information will be furnished only under special procedures established by the Records Unit. Other members will not release any criminal history record information to a non-department member, except for specific investigative purposes authorized by law.
- \*C. Non-conviction criminal history record information (closed record) is inaccessible to the general public and to all persons other than the defendant, except as provided in Section 610.120 RSMo. The decision as to whether any record will be deemed to be closed under the provisions of Section 610.100.3 RSMo, will be at the discretion of the Chief of Police or his designee. Non-conviction criminal history record information will not be revealed except as outlined below:

- 1. To individuals for any purpose authorized by statute, ordinance, executive order, or court rule, decision, or order, if any.
- 2. To department members for investigation and prosecution purposes in conformance with Section 610.100 and 610.120 et. Seq. RSMo. 1989.
- 3. To courts, law enforcement agencies, and federal agencies for purposes of prosecution, sentencing, parole consideration, criminal justice employment, child care employment, and nursing home employment; and to federal agencies for investigative purposes authorized by law or presidential executive order.
- 4. To the individual named in the record, upon formal application.
- 5. In response to a specific inquiry about a matter of public record, not otherwise prohibited by regulation or statute.
  - a. If a person is arrested but not charged within thirty days of arrest, state law requires that such records be closed.
  - b. If the person arrested is charged but subsequently not convicted, state law requires that such records be closed.
  - c. State law (Section 211.321 RSMo. 1980) prohibits release of any criminal history record information regarding juveniles, except as directed by the juvenile courts.
  - d. Federal regulation requires that any authorized release of criminal history record information to non-criminal justice agencies or individuals be limited to the specific purpose for which it is given.
- \*D. Mugshots or photographs of suspects in criminal cases, which are taken as a part of an arrest, will be deemed to be a part of the arrest record and will be made available to the public in accordance with the requirements of Missouri law as to arrest records. Other mugshots and photographs will be deemed to be a part of investigative records and will be made available to the public in accordance with the requirements of Missouri law as to investigative records.

- \*E. Citizens who request criminal history record information about themselves will be requested to respond to the Records Unit or a division station. The Records Unit commander or a designee has the discretion to correct any disputed record, or forward the challenge to the Legal Advisor who will determine if the record will be amended.
- F. Records, files, and documents compiled in the course of completed criminal investigations will be open records, except as otherwise provided for in any applicable Board of Police Commissioners Resolution, written policy, court rules, and case law concerning the prosecution of criminal cases.
- G. Members of the news media will be treated as any other private inquirer according to Section II, C, 5 of this annex. Information regarding current investigations will be released in accordance with the current written directive on media policy.
- H. Private police officers and private companies will be treated as any other private inquirer. They will not be provided with non-conviction criminal history record information for employment checks or other purposes, except as provided for in applicable written policy.
- I. Unauthorized government or public agencies (those agencies not identified by statute) will be treated as any other private inquirer, unless they can provide legal authorization for release of criminal history record information. Non-conviction information for non-specified employment checks or other purposes will not be released without such authorization.
- J. Attorneys requesting to see criminal history record information regarding a client may be referred to the department Legal Advisor for approval. Upon determination that the request is legitimate, the Legal Advisor will notify the Records Unit supervisor.
- \*K. Whenever a criminal background check is requested in connection with gaining employment, housing or any other services or benefit of any homeless, honorably discharged, member of the organized militia or the armed forces of the United States, such background check or copy of any relevant public record will be completed and transmitted to the requesting party without any fee or other compensation. (Section 610.103 RSMo).

- \*L. If doubt exists regarding the lawful and proper release of criminal history record information, the matter will be referred to the Records Unit commander, his/her designee, or the Legal Advisor's Office.
- M. Members will take every precaution to prevent unauthorized persons from obtaining information from a computer display or printout. When computer printouts are no longer needed, they will be shredded to prevent disclosure of confidential information contained therein to unauthorized persons.
- \*N. All requests for records not specifically provided for herein will be referred to the Chief of Police or a designee, who will determine if the records requested are open or closed records, and if the same should be released.
- \*O. In accordance with the provisions of Section 610.026 of the Revised Statutes of Missouri, a reasonable fee will be charged for all records released by the Kansas City, Missouri Police Department. Said fee will be set from time to time by the Chief of Police or a designee.